

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the _____ day of _____, 2005:

Present

Vote

James S. Burgett, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
Kenneth L. Bowman
Thomas G. Shepperd

On motion of _____, which carried _____, the following ordinance was adopted:

AN ORDINANCE TO AMEND THE CENTRALIZED PURCHASING
POLICY FOR YORK COUNTY

WHEREAS, Sections 15.2-1231 and 2.2-4343 of the Code of Virginia authorized the Board of Supervisors to provide for the centralized competitive purchasing of all supplies, equipment, materials and commodities for all departments, officers, and employees of the County, to include the County School Board and the Board of Public Welfare or Social Services;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this _____ day of _____, 2005, that specific sections of the centralized procurement policy for all goods and services for the County of York, as adopted September 7, 2004, be and is hereby amended to read and provide as follows:

ARTICLE I. PURPOSE, DEFINITIONS, APPLICATION OF POLICY

1-4. Definitions.

- (g) Competitive Sealed Bidding - Competitive sealed bidding is a method of procurement which includes the following elements:
2. Public notice of the invitation to bid at least ten (10) calendar days prior to the date set for receipt of bids by posting at the entrance to the Division of Purchasing for York County ~~and~~ or by publication in at least one newspaper of general circulation in York County. In addition, bids may be solicited directly from potential offerors.

ARTICLE III. ADMINISTRATIVE PROVISIONS

3-17. Approvals.

Except as provided for emergency purchases, all purchases in excess of \$10,000 shall be specifically approved by the County Administrator, or the Approving Authority's designee, prior to the placement of a firm order. Purchases in excess of \$30,000 shall be specifically approved by the Board of Supervisors or the appropriate Approving Authority prior to placement of a firm order (excepting the purchase of vehicles for the Department of General Services' Vehicle & Equipment Maintenance Division, wherein the cost of a single unit does not exceed \$30,000; *and acquisition of Public Utility Services*; such purchases, subject to fund availability, may be made without *separate specific* Approving Authority). Emergency purchases may be approved after the fact. The request for approval shall identify the method of price competition used in the procurement.

This policy is not intended to require review or approval by the Board of specific items procured by the York County School Board, the York-Poquoson Department of Social Services, the Constitutional Officers, the York County Library, or public bodies who have by agreement become subject to this policy, when sufficient funds have been appropriated to such entity or officer for the purpose of the procurement and this policy has been followed. The Purchasing Agent with regard to such entities and officers shall, however, by signing all purchase orders for such procurements prior to the placement of a firm order, certify compliance with this policy and procedures issued pursuant to it. The Purchasing Agent shall not execute a purchase order if such procurement has not been in compliance with this policy and the procedures developed pursuant to it.

3-22. Claims.

~~Contract claims, if not otherwise provided for in such contract, shall be submitted to the Board in accordance with the provisions of §§ 15.2-1245, et seq., Code of Virginia, or, if appropriate, to the County School Board pursuant to §§ 22.1-122, and 15.2-1245, et seq., Code of Virginia, mutatis mutandis.~~

- 1. Contractual claims, whether for money or other relief, shall be submitted in writing to the Purchasing Agent no later than 60 days after receipt of final payment; however, written notice of the contractor's intention to file a claim shall be given at the time of the occurrence or at the beginning of the work upon which the claim is based.*
- 2. No written decision denying a claim or addressing issues related to the claim shall be considered a denial of the claim unless the written decision is signed by the public body's chief administrative officer or his designee. The contractor may not institute legal action prior to receipt of the final written decision on the claim unless the public body fails to render a decision within 90 days of submission of the claim. Failure of the public body to render a decision within 90 days shall not result in the contractor being awarded the relief claimed or in any other relief or penalty. The sole remedy for the public body's failure to render a deci-*

sion within 90 days shall be the contractor's right to institute immediate legal action.

A contractor may not invoke any administrative claims procedures adopted by the public body, if any, or institute legal action as provided in Code of Virginia § 2.2-4364, prior to receipt of the public body's decision on the claim, unless the public body fails to render such decision within the time specified in the contract or, if no time is specified, then within the time provided by Code of Virginia § 2.2-4363(C). A failure of the public body to render a final decision within such time shall be deemed a final decision denying the claim by the public body.

The decision of the public body shall be final and conclusive unless the contractor appeals within six months of the date of the final decision on the claim by the public body by invoking the public body's administrative claims procedures, if any, or in the alternative by instituting legal action as provided in § 2.2-4364.